

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE: PACKET CONSTRUCTION LLC	§ § § § §	BANKRUPTCY CASE NO. 23-10860
DEBTOR		

MOTION FOR APPROVAL OF POST-PETITION MONTHLY RETAINER PAYMENTS

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS. IF NO TIMELY RESPONSE IS FILED WITHIN 21 DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Packet Construction LLC (the "Debtor"), files this Motion for Approval of Post-Petition Monthly Retainer Payments and establishing procedures for these post-petition monthly retainer deposits. In support thereof, the Debtor respectfully represent as follows:

I. Jurisdiction, Venue and Background

1. This Court has jurisdiction to consider the motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested herein are Sections 327 of the Bankruptcy Code, Rule 2014 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") and Local Rule 2014 and 2016 of the Local Court Rules of the United States Bankruptcy Court for the Western District of Texas.

Background

3. On October 12, 2023 ("Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 ("Bankruptcy Code").

4. The Debtor continues to manage and operate its civil construction for electric utilities and site work for foundations of substations and powerlines business as Debtor-In-Possession pursuant to §§1107 and 1108 of the Bankruptcy Code.

5. By this Motion, Debtor respectfully requests the entry of an order, pursuant to Sections 105(a) and 331 of the Bankruptcy Code and Bankruptcy Rules 2014 and 2016, establishing procedures for post-petition payments of professionals and deposits of post-petition monthly payments into the firms IOLTA trust account. These funds can only be applied for through and approved by the Court.

6. Debtor has already sought to engage a professional in this case in the capacity of Debtor's Counsel, The Lane Law Firm, PLLC (Docket No. 7), seeking approval, under Section 327 of the Bankruptcy Code, to engage the firm to assist the Debtor.

7. The Debtor requests that the Court allow it to deposit \$3,000.00 per month into The Lane Law Firm, PLLC's IOLTA Trust Account until this case is administratively closed, for future post-petition legal fees of Debtor's counsel and an additional amount of \$1,500.00 per month to the Subchapter V Trustee, which would be subject to Court approval through fee applications. The funds for The Lane Law firm, PLLC would be deposited for its future post-petition legal fees into its the IOLTA Trust Account and would be subject to Court approval. The future post-petition legal fees for the SubChapter V Trustee shall be directly deposited into their IOLTA Trust Account and would be subject to further Court approval.

8. Debtor is requesting this motion for the Court to approve the monthly post-petition deposits pursuant to the terms of the Retainer Agreement. These monthly deposits do not in anyway put a financial strain on the current operations of the business. This motion is to help minimize impact of any temporary or final fee applications filed in this case so that Debtor has these funds already set aside in the firms IOLTA Trust account and would not be required to pay these fees and expenses upon the entry of a Court order. These funds would still be subject to Court approval as stated in the Application to Employ (Docket No. 4) filed in this case.

PRAYER

WHEREFORE, Debtor hereby requests that this Court enter an order that allows the Debtor to deposit post-petition monthly payments into The Lane Law Firm, PLLC's and the SubChapter V Trustee's IOLTA Trust Accounts and for such other and further relief as the Debtor may show itself justly entitled.

Respectfully submitted,

THE LANE LAW FIRM, PLLC

/s/Robert C. Lane

Robert C. Lane

State Bar No. 24046263

notifications@lanelaw.com

Joshua D. Gordon

State Bar No 24091592

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6200 Savoy, Suite 1150

Houston, Texas 77036

(713) 595-8200 Voice

(713) 595-8201 Facsimile

PROPOSED COUNSEL FOR
DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion for Approval of Post-Petition Monthly Deposits was served to the parties listed below and to the parties on the attached mailing matrix either via e-mail, electronic notice by the court's ECF noticing system, or by first-class mail pre-paid postage on October 12, 2023:

Debtor:

Packet Construction LLC
14205 N Mopac Expy #514
Austin, Texas 78728

US Trustee:

Office of the U.S. Trustee
903 San Jacinto Blvd
Room 230
Austin, Texas 78701
Ustpreregion07.au.ecf@usdoj.gov

/s/Robert C. Lane
Robert C. Lane

Label Matrix for local noticing
0542-1
Case 23-10860-cgb
Western District of Texas
Austin
Thu Oct 12 09:09:50 CDT 2023

Packet Construction LLC
PO Box 82668
Austin, TX 78708-2668

United States Trustee (SMG111)
United States Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701-2450

U.S. BANKRUPTCY COURT
903 SAN JACINTO, SUITE 322
AUSTIN, TX 78701-2450

Alpine Advance 5 LLC
228 Park Ave S
New York, NY 10003-1502

Alpine Advance 5 LLC
46 Washington Street Suite 6
Middletown, CT 06457-2861

Arcosa Aggregates
401 S Interstate Highway 45
Ferris, TX 75125-8801

Arnold Crushed Stone Inc
PO Box 632
Blum, TX 76627-0632

Arsenal Funding
8 West 36th Street, 7th Floor
New York, NY 10018-9774

Austin Lava, LLC
3107 Perry Lane
Austin, TX 78731-5341

Big Bend Services, LLC
PO Box 61226
Midland, TX 79711-1226

Braun Intertec
11001 Hampshire Ave S
Minneapolis, MN 55438-2424

(p)CATERPILLAR FINANCIAL SERVICES CORPORATION
2120 WEST END AVENUE
NASHVILLE TN 37203-5341

Caldwell East & Finlayson PLLC
One Riverwalk Place, 700 North St. Mary&
San Antonio, TX 78205

Capital Quarries
PO Box 105050
Jefferson City, MO 65110-5050

Centra Funding LLC
1400 Preston Road Suite 115
Houston, TX 77002

Connors Construction Inc.
2513 U.S. HWY 77
Lott, TX 76656-3595

David Neal LLC
899 FM 1947
Hillsboro, TX 76645-5157

Deans Stepp Law, LLP
325 N. Saint Paul St. Suite 1500
Dallas, TX 75201-3891

EnviroCon Systems Inc
PO Box 673048
Houston, TX 77267-3048

Ewald Kubota Inc.
PO Box 1287 71E
Seguin, TX 78156-1287

Force Logistics, LLC
28440 Verde Mountain Trl
San Antonio, TX 78261-2528

Fundfi Merchant Funding LLC
352 Fulton Avenue
Hempstead, NY 11550-3941

HKA Enterprises, Inc
337 Spartangreen Blvd
Duncan, SC 29334-9220

HercRentals
27500 Riverview Center Blvd Suite 100
Bonita Springs, FL 34134-4328

JCB Financial, Inc.
1715 Morgan Lane
Collegeville, PA 19426-2875

John Miller
PO Box 82668
Austin, TX 78708-2668

Landpoint
525 Sawdust Rd #200
Spring, TX 77380-2386

Laperouse, P.C.
5220 Spring Valley Road Suite 615
Dallas, TX 75254-2431

Lonestar Forklift
5300 SE Loop 410
San Antonio, TX 78222-3922

Mid-Tex Testing LLC
1301 New Dallas Hwy
Waco, TX 76705-2428

NUCOR Harris Rebar
4700 Singleton Blvd
Dallas, TX 75212-3333

North Mill Credit Trust
81 Throckmorton Ave
Mill Valley, CA 94941-1930

North Mill Credit Trust
9 Executive Circle Suite 230
Irvine, CA 92614-4701

PTR - Premier Truck Rental
9138 Bluffton Road
Fort Wayne, IN 46809-3057

Packet Construction LLC
14205 N Mopac Expressway 514
Austin, TX 78728

Providence Equipment Finance
aka Providence Bank & Trust
PO Box 706
South Holland, IL 60473-0706

Providence Equipment Finance A Division of P
1555 S. Ardmore Avenue
Villa Park, IL 60181-3407

SBM Earthmoving & Construction
7931 N State Line Ave
Texarkana, TX 75503-1945

SIR, LLC
Harwin Dr
Houston, TX 77036

Simpson Crushed Stone
1948 County Rd 1234
Nemo, TX 76070-3003

Southeast Readi-Mix Products Inc
3001 South Boyd Drive
Carlsbad, NM 88220-4709

(p)SOUTHSTAR FINANCIAL LLC
ATTN SOUTHSTAR FINANCIAL LLC
840 LOWCOUNTRY BLVD
MOUNT PLEASANT SC 29464-3000

Spartan Business Solutions, LLC d/b/a Sparta
371 E Main St. Suite 2
Middletown, NY 10940-3435

Stealth Monitoring Inc
15182 Marsh Lane
Addison, TX 75001-8047

SunCoast Post-Tension
16825 Northchase Dr Suite 1100
Mill Creek, PA 17060

Terracon Consultants, Inc
10841 S Ridgeview Road
Olathe, KS 66061-6456

TexMix Concrete
PO Box 830
Leander, TX 78646-0830

Texas First Rentals LLC
Po Box 650869
Dallas, TX 75265-0869

Texas Regional Bank
PO Box 5555
McAllen, TX 78502-5555

The Lane Law Firm
6200 Savoy Dr Ste 1150
Houston, TX 77036-3369

The Law Office of Jason Gang, PLLC
1245 Hewlett Plaza #478
Hewlett, NY 11557-4021

U.S. Small Business Administration
Little Rock Commercial Loan Servicing Ce
2120 Riverfront Drive Suite 100
Little Rock, AR 72202-1794

United Rentals
100 First Stamford Place Suite 700
Stamford, CT 06902-9200

United States Trustee - AU12
United States Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701-2450

Robert Chamless Lane
The Lane Law Firm, PLLC
6200 Savoy Dr, Suite 1150
Houston, TX 77036-3369

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

CAT Financial
PO Box 340001
Nashville, TN 37203

Marshall & Singleton, PLC
PO Box 4034
Jonesboro, AR 72401

Southstar Financial, LLC
840 Lowcountry Blvd
Mount Pleasant, SC 29464

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Territorial Bank of American Samoa
716 Centennial Building
PagoPago, American Samoa96799

End of Label Matrix	
Mailable recipients	58
Bypassed recipients	1
Total	59